

Honorable Aaron Michlewitz  
Committee on Ways and Means  
State House Room 243  
Boston, MA 02133

Honorable Claire Cronin  
Committee on Judiciary  
State House Room 136  
Boston, MA 02133

Dear Chairman Michlewitz and Chairwoman Cronin,

I appreciate the opportunity to finally be able provide public input on amended Senate Bill 2820, *“An Act to Reform Police Standards and Shift Resources to Build a more Equitable, Fair, and Just Commonwealth that Values Black Lives and Communities of Color”*, which was sent to the House two days ago. Law Enforcement Officers in the Commonwealth are always striving to provide the best service. We had been hoping for a transparent process in which all stake holders would be at the table in order to accomplish meaningful reform and to provide real life input on the job, rather than legislate from youtube video clips, which never tell the full story.

I would like to identify some of the issues outlined in S2820.

1. The most important issue is Qualified Immunity. I do not believe the Senate appreciates the impact and level of uncertainty and confusion they create with their attempt at “modifying” or essentially eliminating the well established legal doctrine, which has exist for 53 years and been litigated in thousands of cases involving a wide range of public employees. Members of the Senate cite Shirley Mello Rodriques vs. Joseph Furtado as the worst case regarding Qualified Immunity in Massachusetts. In this case, which occurred in 1986, a police officer APPLIED for a SEARCH WARRANT through the DISCTRICT COURT to search a female’s vagina. The COURT found PROBABLE CAUSE and ISSUED the search warrant. The officer executed the COURT ORDER per the COURTS instructions bringing the suspect to the hospital and having a qualified medical professional conduct the search AS ORDERED BY THE COURT. Senators in their remarks demanded these are the reasons we need to change to change qualified immunity for police officers. The case law that came out of this incident did just that, requiring that only a judge can issue a warrant for a search this invasive in Massachusetts. Could you seriously imagine making this change that the Senate has passed in S2820 and allowing for a police officer to be personally sued for applying for and executing a search warrant in the manner that the court ordered?
2. The concept of the Police Officer Standards and Accreditation Committee (POSAC) is a concept that you will find a lot of support from all stake holders. This system must be set up properly and have a fair balance to decertify officers who are not worthy to wear the badge, and maintain due process for the officer. Both the Governor’s Bill and Senate Bill do not contain a process that strikes this balance. The members should be comprised of law enforcement officials not members who clearly have a bias of our profession, this defeats the purpose of what you are trying to accomplish. The standards for disqualifications should be spelled out and be clear. We need to look at how other States are set up.

Our entire profession looks forward to the House Process on this bill and the ability to have everyone represented at the table to make meaningful responsible reforms. Thank you.

Respectfully,

William Trelegan

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